

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

TREMONT REALTY CAPITAL, INC.,

Plaintiff,

v.

PINNACLE GROUP, LLC, ADAMS  
CANYON RANCH, LLC, JOHN LANG,  
and MICHAEL GRADY,

Defendants.

Civil Action No. 04-11853-RGS

**AFFIDAVIT OF JAMES M. WODARSKI**

I, James M. Wodarski, state:

1. I am associated with the law firm of Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C., and I am one of the counsel of record for plaintiff Tremont Realty Capital, Inc. ("Tremont") in this action. I submit this affidavit in support of Plaintiff's Memorandum In Opposition To Defendants' Motion To Dismiss Pursuant To Fed R. Civ. P. 12(b)(2), Or In The Alternative, Motion For Transfer Of Venue Pursuant To 28 U.S.C. §1404(a).

2. Exhibit A to the affidavit is a true copy of the Affidavit of Daniel O. Mee dated December 3, 2004. It contains a facsimile copy of the signature page. An original signature page will be filed with the Court shortly.

3. Exhibit B to the affidavit is a true copy of the Affidavit of Russell L. Posorske dated December 3, 2004. It contains a facsimile copy of the signature page. An original signature page will be filed with the Court shortly.

4. Exhibit C to the affidavit is a true copy of the Affidavit of Jared R. Lewis dated December 3, 2004.

5. Exhibit D to the affidavit is a true copy of Affidavit of Richard C. Gallitto dated December 3, 2004.

The statements made in this affidavit are made under the penalties of perjury this 3<sup>rd</sup> day of December, 2004.

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James M. Wodarski

LIT 1492258v1